

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JONATHAN ROBINSON,

Plaintiff,

v.

Case No. 2:07-cv-85
HON. R. ALLAN EDGAR

DENVER MCBURNEY, et al.,

Defendants.

OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on May 15, 2008. The Report and Recommendation was duly served on the parties. The Court has received objections from plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Plaintiff alleges that the Magistrate Judge overlooked defendants' motives. However, it is clear that plaintiff cannot show that defendants acted with deliberate indifference. Moreover, plaintiff cannot show that his Eighth Amendment rights were violated. Plaintiff appears to raise a First Amendment retaliation claim in his objections. Plaintiff has not attempted to support any of the elements of a retaliation claim. To the extent that plaintiff asserts that defendants conduct was retaliatory, that claim is not supported in fact or law.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #29) is approved and adopted as the opinion of the Court.

Dated: 2/23/09

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE